

FILED - USDC -NH
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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Josephine Amatucci

v.

Town, Rondeau, Champaigne, Maloney,
Wright, Estes, etal

Docket 1:22-cv-00073

TO MAGISTRATE
EVIDENCE PROVING JUDGMENT AS A
MATTER OF LAW

1. Hellooooooooooooo, this case is before the Magistrate for ONE YEAR, asking her to issue a Report and Recommendation to the Plaintiff's MERITORIOUS CLAIMS.
2. To help the Magistrate make the CORRECT Report and Recommendation IMMEDIATELY, the Plaintiff is presenting the Magistrate with the REPORT AND RECOMMEDATION by the UNITED STATES DISTRICT COURT, who OVERRULES any report and recommendation by the Magistrate that does not comply with the decision of the United States Supreme Court. And also the decision in the case of Haring v. Prosise 462 U.s. 306, where the Court stated:

"We conclude tht respondent's conviction in state courtDOES NOT PRECLUDE.....him from seeking to recover damages under 42 U.s. C. 1983 for an alleged

Fourth Amendment violation that was NEVER CONSIDERED IN THE STATE PROCEEDING."

3. Please see below how the ruling in this case has been made, a decision which OVERRULES any Report and Recommendation that the Magistrate may come up with that will defeat the Plaintiff's claims. Showing that AS A MATTER OF LAW THE MAGISTRATE WILL ALLOW THIS CASE TO GO BEFORE A JURY OF HER PEERS FOR DAMAGES under 1983 for the violation of her civil rights by the defendants.

4. That defendant's are automatically liable PERSONALLY for failure to intervene and protect the Plaintiff from violations of her constitutional rights, as allowed under 42 U.S.C. 1983, as CLARIFIED by the United States Court of Appeals for the Seventh Circuit in the case of Yang v. Hardin where government officials were held PERSONALLY Liable.

5. The United States Court of Appeal for the Seventh Circuit in Yang v. Hardin described the standard for being liable for FAILURE TO INTERVENE as:

"An officer who is present and fails to INTERVENE to PREVENT other law enforcement officers from "INFRINGING THE CONSTITUTIONAL RIGHTS OF CITIZENS" "IS LIABLE UNDER 1983 " if that officer had reason to know (1) that the citizen was unjustifiably arrested, (2) that ANY constitutional violation has been committed by a LAW ENFORCEMENT Official; and the officer had a realistic opportunity to intervene to prevent the harm from occurring."

6. Statutory Summary.....Civil and CRIMINAL Justice.....

"Law enforcement officers have many legal duties imposed upon them by law. Officers can be held liable for failure to intervene and protect individuals from violations of CONSTITUTIONAL RIGHTS, including those carried out by other officers. Failure to intervene lawsuits are pursued in federal court under 42 U.S./c. 1983, which makes government employees and officials PERSONALLY liable for money damages if they violate a person's FEDERAL CONSTITUTIONAL RIGHTS.

7. Therefore, where the defendants failed to intervene and protect the Plaintiff from an unlawful malicious prosecution WITHOUT PROBABLE CAUSE, for the detainment of her liberty rights, a violation of the Fourth Amendment of an unlawful seizure, and the

Fourteenth Amendment in violation of Due process, as required UNDER THE LAW, the Magistrate will uphold the decision of theUNITED STATES COURT OF APPEALS with her Report and Recommendation and order the Court to allow the plaintiff her RIGHTS UNDER THE CONSTITUTION, for damages which is allowed under 1983, according to theUNITED STATE'S COURT OF APPEALS.

8. To procede to serve the defendant's and to recommend that the Court move forward with a jury trial of her peers for damages for her unlawful malicious prosecution claim against the defendants.

9. Where there is NO DISPUTE that she was prosecuted for a crime of an Assault with Bodily Injury, a crime the defendants knew she never committed, where the plaintiff presented evidence of a statement made by the alleged victim stating :

'THERE WAS NO INJURY'

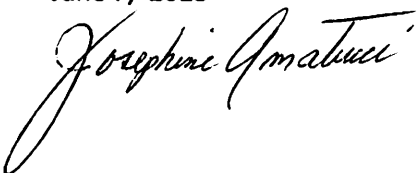
Yet the trial carried on in violation of her Fourth Amendment, of an unlawful detention of her liberty rights and a violation of the Fourteenth Amendment.

10. That this court is not going to carry this case on to discovery, for another year or more as is the procedure in all cases, that as soon as the defendants are served, the Plaintiff will file a motion for summary judgment where the defendants can never DISPUTE the violation of her civil rights, based on the affidavit of the alleged victim who made it very clear, that there wasNO ASSAULT WITH BODILY INJURY.....as she was being unlawfully and FRAUDULENTLY accused by the defendants.

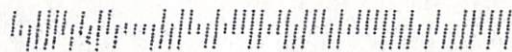
Respectuflly,

Josephine Amatucci

June 7, 2023

A handwritten signature in cursive script that reads "Josephine Amatucci". The signature is written in black ink and is positioned below the typed name and date.

FROM: JOSEPHINE ANAIVEI
P.O. Box 242
Wolfeboro Falls, N.H. 03896



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